



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.47574 of 2024
Date of decision: 2nd December, 2024

Mrigank Soni @ Mrigank @ Kaku

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajay Bhardwaj, Advocate for the petitioner.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.376 dated 25.04.2023 (Annexure P-1) under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (charges framed under Section 21(b) & 27A of the NDPS Act) registered at Police Station Hisar Sadar, District Hisar.

2. Learned counsel for the petitioner submits that the petitioner, who has no previous criminal antecedents, has been falsely implicated in the present case on the basis of an alleged secret information received by the police qua his involvement in drug trafficking. Learned counsel has further submitted that no doubt the car, on which the petitioner was allegedly travelling along with two co-accused, was registered in his mother's name, however, even as per the

case of the prosecution the alleged recovery i.e. 510 grams of Heroin was not affected from the conscious possession of the petitioner but from the possession of co-accused Sonu, who was carrying it in a bag. Learned counsel has submitted that in the aforementioned facts and circumstances, more so when investigation in the present case is complete, further incarceration of the petitioner would serve no useful purpose as only one prosecution witness has been examined till date.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR in question. Learned State counsel has submitted, on instructions, that a specific secret information had been received qua the involvement of the petitioner and the two co-accused in drug trafficking; the secret informer had also given out the relevant details of the vehicle in which all the three accused were travelling; it was the petitioner who was driving the vehicle in question when the police party intercepted all the three accused, and after due compliance of the mandatory provisions of the NDPS Act, affected the alleged recovery from the co-accused Sonu. A prayer has therefore been made by the learned State counsel for dismissal of the present petition, more so, when there is every likelihood that the trial is not going to take much time to conclude since all the witnesses cited by the prosecution are police officials.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Allegedly, the petitioner was driving the vehicle in question when he along with co-accused was intercepted by the police following a tip-off regarding their involvement in drug trafficking. A huge recovery of 510 grams of Heroin was thereafter affected from the accused, which is more than the minimum categorized as commercial under the NDPS Act. The trial has been proceeding at a considerably good pace as one prosecution witness already stands examined and out of the remaining prosecution witnesses, most of them are formal in nature. Hence, there is every possibility that the trial would not take much time to conclude.

6. In the facts and circumstances, as enumerated hereinabove, no ground is made out to extend the concession of bail to the petitioner since the alleged recovery of contraband is much higher than the minimum classified as commercial under the Act. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 2, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No